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10/560,306	12/12/2005	Kazunori Ozawa	Q91806	2525

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EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/560,306	OZAWA, KAZUNORI	
	Examiner	Art Unit	
	BEN H. LIU	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *December 12th, 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *December 12th, 2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-17, and 19-29 rejected under 35 U.S.C. 102(b) as being anticipated by Kato et al. (US Patent 6,160,915).

For claim 1, Kato et al. disclose a receiver comprising a buffer for temporarily storing data received from a transmission path *(see column 7 lines 40-53, which recite a buffer on the decoder)*; and control means for monitoring an amount of accumulation in said buffer, and sending a predetermined control signal to the transmission path based on a result of the monitoring when the amount of accumulation exceeds a predefined threshold or falls short of the threshold *(see column 9 lines 36-45, which recite a decoder buffer of the receiver that sends a bit occupation amount to the rate controller of the transmitter)*.

For claim 2, Kato et al. disclose a receiver comprising a decoder for retrieving data from said buffer and decoding the retrieved data, wherein said control means controls such that data is received before data in said buffer is exhausted *(see column 7 lines 40-46, which recite transmitting a variable bit rate signal to prevent underflow at the decoder buffer)*.

For claim 3, Kato et al. disclose a receiver comprising monitoring means for monitoring a receiving situation from a transmission path *(see column 4 lines 28-42, which recite a bit*

occupation amount in the decoding receiver buffer); and control means for sending a predetermined control signal to the transmission path when the receiving situation changes to a predefined situation *(see column 9 lines 36-45, which recite a decoder buffer of the receiver that sends a bit occupation amount to the rate controller of the transmitter when decoding begins)*.

For claim 5, Kato et al. disclose a transmitter comprising an accumulation unit for storing at least two types of media signals at different bit rates *(see column 9 lines 1-4, which recite video and audio signals)*; switching means for receiving a control signal from a transmission path *(see column 9 lines 36-41, which recite a rate controller that receives a bit occupation amount from the decoder buffer)*, and retrieving the media signal from said accumulating unit with switching a bit rate of the media signal based on the control signal; and means for encoding the retrieved media signal for transmission to the transmission path *(see column 9 lines 27-34, which recite a video encoder that encodes a signal based upon the rate controller)*.

For claim 6, Kato et al. disclose a transmitter comprising an accumulation unit for storing at least two or more types of files in which at least two types of media signals at different bit rates are stored *(see column 9 lines 1-4, which recite video and audio signals)*; means for receiving a control signal from a transmission path *(see column 9 lines 36-41, which recite a rate controller that receives a bit occupation amount from the decoder buffer)*, switching a file to be retrieved based on the control signal, and retrieving the file from said accumulation unit; and means for encoding a media signal in the retrieved file, for transmission to the transmission line *(see column 9 lines 27-34, which recite a video encoder that encodes a signal based upon the rate controller)*.

For claim 7, Kato et al. disclose a transmitter comprising an accumulation unit for storing a media signal *(see column 7 lines 53-59, which discloses a output buffer)*; converting means for receiving a control signal from a transmission path *(see column 9 lines 36-41, which recite a rate controller that receives a bit occupation amount from the decoder buffer)*, and retrieving the media signal from said accumulation unit with converting a bit rate based on the control signal; and means for encoding the media signal retrieved from said converting means for transmission to the transmission path *(see column 9 lines 27-34, which recite a video encoder that encodes a signal based upon the rate controller)*.

For claim 8, Kato et al. disclose a transmitter comprising an accumulation unit for storing a media signal *(see column 7 lines 53-59, which discloses a output buffer)*; and means for reading and delivering the media data from said accumulation unit based on a control signal received from a transmission path *(see column 9 lines 36-41, which recite a rate controller that receives a bit occupation amount from the decoder buffer)*, at time intervals different from time intervals at which the media signal was encoded *(see column 13 lines 3-23, which recite a delay between the encoding time and the bit stream output time)*.

For claim 9, Kato et al. disclose a transmission/reception system comprising a transmitter for transmitting a media signal to a transmission path, and a receiver for receiving a media signal through the transmission path from said transmitter, wherein:

said receiver comprises: a buffer for temporarily storing a media signal from said transmitter; monitoring means for monitoring an amount of accumulation in said buffer; and control means for sending a control signal to the transmission path when the amount of accumulation exceeds a predefined threshold or falls short of the threshold *(see column 9 lines*

36-45, which recite a decoder buffer of the receiver that sends a bit occupation amount to the rate controller of the transmitter), and

said transmitter comprises: accumulating means for storing at least two types of media signals at different bit rates; and means for receiving the control signal sent from said receiver to the transmission path, and retrieving the media signal from said accumulating means with switching the bit rate based on the control signal *(see column 9 lines 36-41, which recite a rate controller of a transmitter that receives a bit occupation amount from the decoder buffer)*.

For claim 10, Kato et al. disclose a transmission/reception system comprising a transmitter for transmitting a media signal to a transmission path, and a receiver for receiving a media signal from said transmitter through the transmission path, wherein:

said receiver comprises: a buffer for temporarily storing a media signal from said transmitter; monitoring means for monitoring an amount of accumulation in said buffer; and control means for sending a control signal to the transmission path when the amount of accumulation exceeds a predefined threshold or falls short of the threshold *(see column 9 lines 36-45, which recite a decoder buffer of the receiver that sends a bit occupation amount to the rate controller of the transmitter)*, and

said transmitter comprises: accumulating means for storing at least two or more types of files in which at least two types of media signals at different bit rates are stored; means for receiving the control signal sent from said receiver to the transmission path, switching a file to be retrieved based on the control signal, and retrieving the file from said accumulating means; and means for encoding a media signal in the retrieved file for transmission to the transmission path

(see column 9 lines 36-41, which recite a rate controller used to control the encoder of a transmitter that receives a bit occupation amount from the decoder buffer).

For claim 11, Kato et al. disclose a transmission/reception system comprising a transmitter for transmitting a media signal to a transmission path, and a receiver for receiving a media signal from said transmitter through the transmission path, wherein:

said receiver comprises: monitoring means for monitoring a receiving situation on the transmission path; and control means for sending a control signal to the transmission path when the receiving situation changes to a predefined situation *(see column 9 lines 36-45, which recite a decoder buffer of the receiver that sends a bit occupation amount to the rate controller of the transmitter when decoding begins)*, and

said transmitter comprises: accumulating means for storing at least two types of files in which at least two types of media signals at different bit rates are stored; means for receiving the control signal sent from said receiver to the transmission path, switching a file to be retrieved based on the control signal, and retrieving the file from said accumulating means; and means for encoding a media signal in the retrieved file for transmission to the transmission path *(see column 9 lines 36-41, which recite a rate controller used to control the encoder of a transmitter that receives a bit occupation amount from the decoder buffer).*

For claim 12, Kato et al. disclose a transmission/reception system comprising a transmitter for transmitting a media signal to a transmission path, and a receiver for receiving a media signal from said transmitter through the transmission path, wherein:

said receiver comprises: monitoring means for monitoring an amount of accumulation in a buffer for storing a media signal; and control means for sending a control signal to a

transmission path when the amount of accumulation exceeds a predefined threshold or falls short of the threshold *(see column 9 lines 36-45, which recite a decoder buffer of the receiver that sends a bit occupation amount to the rate controller of the transmitter)*, and

said transmitter comprises: accumulating means for storing a media signal; converting means for receiving the control signal sent from said receiver to the transmission path, and retrieving the media signal from said accumulating means with converting a bit rate based on the control signal; and means for encoding the retrieved media signal for transmission to the transmission path *(see column 9 lines 36-41, which recite a rate controller used to control the encoder of a transmitter that receives a bit occupation amount from the decoder buffer)*.

For claim 13, Kato et al. disclose a transmission/reception system comprising a transmitter for transmitting a media signal to a transmission path, and a receiver for receiving a media signal from said transmitter through the transmission path, wherein:

said receiver comprises: monitoring means for monitoring a receiving situation on the transmission path; and control means for sending a control signal to the transmission path when the receiving situation changes to a predefined situation *(see column 9 lines 36-45, which recite a decoder buffer of the receiver that sends a bit occupation amount to the rate controller of the transmitter when decoding begins)*, and

said transmitter comprises: accumulating means for storing a media signal; converting means for receiving the control signal sent from said receiver to the transmission path, and retrieving the media signal from said accumulating means with converting a bit rate based on the control signal; and means for encoding the retrieved media signal for transmission to the

transmission path *(see column 9 lines 36-41, which recite a rate controller used to control the encoder of a transmitter that receives a bit occupation amount from the decoder buffer)*.

For claim 14, Kato et al. disclose a transmission/reception system comprising a transmitter for transmitting a media signal to a transmission path, and a receiver for receiving a media signal from said transmitter through the transmission path, wherein:

said receiving means comprises: monitoring means for monitoring an amount of accumulation in a buffer for storing a media signal; and control means for sending a control signal to the transmission path when the amount of accumulation in the buffer exceeds a predefined threshold or falls short of the threshold *(see column 9 lines 36-45, which recite a decoder buffer of the receiver that sends a bit occupation amount to the rate controller of the transmitter)*, and

said transmitter comprises: accumulating means for storing a media signal; means for receiving the control signal sent from said receiver to the transmission path, reading and delivering the media signal stored in said accumulating means based on the control signal from said accumulating means at time intervals different from time intervals at which the media signal was encoded *(see column 13 lines 3-23, which recite a delay between the encoding time and the bit stream output time)*; and means for encoding the delivered media signal for transmission to the transmission path *(see column 9 lines 36-41, which recite a rate controller used to control the encoder of a transmitter that receives a bit occupation amount from the decoder buffer)*.

For claim 15, Kato et al. disclose a transmission/reception system comprising a transmitter for transmitting a media signal to a transmission path, and a receiver for receiving a media signal from said transmitter through the transmission path, wherein:

said receiver comprises: monitoring means for monitoring a receiving situation on the transmission path; and control means for sending a control signal to the transmission path when the receiving situation changes to a predefined situation *(see column 9 lines 36-45, which recite a decoder buffer of the receiver that sends a bit occupation amount to the rate controller of the transmitter when decoding begins)*, and

said transmitter comprises: accumulating means for storing a media signal; means for receiving the control signal sent from said receiver to the transmission path, and reading and delivering the media signal stored in said accumulating means from said accumulating means based on the control signal at time intervals different from time intervals at which the media signal was encoded *(see column 13 lines 3-23, which recite a delay between the encoding time and the bit stream output time)*; and means for encoding the delivered media signal for transmission to the transmission path *(see column 9 lines 36-41, which recite a rate controller used to control the encoder of a transmitter that receives a bit occupation amount from the decoder buffer)*.

For claim 16, Kato et al. disclose a reception method comprising the steps of monitoring an amount of accumulation in a buffer for storing a media signal received from a transmission path; sending a predetermined control signal to the transmission path when the amount of accumulation in the buffer exceeds a predefined threshold or falls short of the threshold *(see column 9 lines 36-45, which recite a decoder buffer of the receiver that sends a bit occupation amount to the rate controller of the transmitter)*; and carrying out a control such that data is received before data in said buffer is exhausted *(see column 7 lines 40-46, which recite transmitting a variable bit rate signal to prevent underflow at the decoder buffer)*.

For claim 17, Kato et al. disclose a reception method comprising the step of monitoring a receiving situation from a transmission path; and sending a predetermined control signal to the transmission path when the receiving situation changes to a predetermined situation *(see column 9 lines 36-45, which recite a decoder buffer of the receiver that sends a bit occupation amount to the rate controller of the transmitter when decoding begins)*.

For claim 19, Kato et al. disclose a transmission method comprising the steps of storing at least two types of media signals at different bit rates in an accumulation unit *(see column 9 lines 1-4, which recite video and audio signals)*; receiving a control signal from a transmission path, and retrieving the media signal from said accumulation unit with switching the bit rate based on the control signal *(see column 9 lines 36-41, which recite a rate controller that receives a bit occupation amount from the decoder buffer)*; and encoding the retrieved media signal for transmission to the transmission path *(see column 9 lines 27-34, which recite a video encoder that encodes a signal based upon the rate controller)*.

For claim 20, Kato et al. disclose a transmission method comprising the steps of storing at least two or more types of files in which at least two types of media signals at different bit rates are stored in an accumulation unit *(see column 9 lines 1-4, which recite video and audio signals)*; receiving a control signal from a transmission path, switching a file based on the control signal, and retrieving the file from said accumulation unit *(see column 9 lines 36-41, which recite a rate controller that receives a bit occupation amount from the decoder buffer)*; and encoding a media signal in the retrieved file for transmission to the transmission path *(see column 9 lines 27-34, which recite a video encoder that encodes a signal based upon the rate controller)*.

For claim 21, Kato et al. disclose a transmission method comprising the steps of receiving a control signal from a transmission path *(see column 9 lines 36-41, which recite a rate controller that receives a bit occupation amount from the decoder buffer)*; changing a bit rate of a media signal stored in an accumulation unit based on the control signal and retrieving the media signal; and encoding the retrieved media signal for transmission to the transmission line *(see column 9 lines 27-34, which recite a video encoder that encodes a signal based upon the rate controller)*.

For claim 22, Kato et al. disclose a transmission method comprising the steps of receiving a control signal from a transmission path *(see column 9 lines 36-41, which recite a rate controller that receives a bit occupation amount from the decoder buffer)*; and reading and delivering a media signal from an accumulation unit for storing the media signal based on the control signal at time interval different from time intervals at which the media signal is encoded *(see column 13 lines 3-23, which recite a delay between the encoding time and the bit stream output time)*.

For claim 23, Kato et al. disclose a transmission/reception method comprising the steps of: in a receiver for receiving a media signal through a transmission path, monitoring an amount of accumulation in a buffer for storing the media signal; sending a control signal from said receiver to the transmission path when the amount of accumulation exceeds a predefined threshold or falls short of the threshold *(see column 9 lines 36-45, which recite a decoder buffer of the receiver that sends a bit occupation amount to the rate controller of the transmitter)*;

in a transmitter for transmitting the media signal to the transmission path, storing at least two types of media signals at different bit rates to accumulation unit *(see column 9 lines 1-4, which recite video and audio signals)*;

upon receipt of the control signal sent from said receiver to the transmission path, and retrieving the media signal from said accumulating means with switching the bit rate based on the control signal; and encoding the retrieved signal for transmission from said transmitter to the transmission path *(see column 9 lines 36-41, which recite a rate controller used to control the encoder of a transmitter that receives a bit occupation amount from the decoder buffer)*.

For claim 24, Kato et al. disclose a transmission/reception method comprising the steps of: in a receiver for receiving the media signal through a transmission path, monitoring an amount of accumulation in a buffer for storing the media signal; sending a control signal from said receiver to the transmission path when the amount of accumulation in said buffer exceeds a predefined threshold or falls short of the threshold *(see column 9 lines 36-45, which recite a decoder buffer of the receiver that sends a bit occupation amount to the rate controller of the transmitter)*;

in a transmitter for transmitting the media signal to the transmission path, storing at least two or more types files in which at least two types of media signals at different bit rates are stored in an accumulation unit *(see column 9 lines 1-4, which recite video and audio signals)*;

receiving the control signal sent from said receiver to the transmission path at said transmitter; switching a file based on the control signal, and retrieving the file from said accumulation unit; and encoding a media signal in the retrieved file for transmission to the

transmission path *(see column 9 lines 36-41, which recite a rate controller used to control the encoder of a transmitter that receives a bit occupation amount from the decoder buffer)*.

For claim 25, Kato et al. disclose a transmission/reception method comprising the steps of: in a receiver for receiving a media signal through a transmission path, monitoring a receiving situation on the transmission path; sending a control signal from said receiver to the transmission path when the receiving situation changes to a predefined situation *(see column 9 lines 36-45, which recite a decoder buffer of the receiver that sends a bit occupation amount to the rate controller of the transmitter when decoding begins)*;

in a transmitter for transmitting a media signal to the transmission path, storing at least two types of files in which at least two types of media signals at different bit rates are stored in an accumulation unit *(see column 9 lines 1-4, which recite video and audio signals)*;

receiving the control signal sent from said receiver to the transmission path at said transmitter; switching a file based on the control signal, and retrieving the file from said accumulation unit; and encoding a media signal in the retrieved file for transmission from said transmitter to the transmission path *(see column 9 lines 36-41, which recite a rate controller used to control the encoder of a transmitter that receives a bit occupation amount from the decoder buffer)*.

For claim 26, Kato et al. disclose a transmission/reception method comprising the steps of: in a receiver for receiving the media signal through a transmission path, monitoring an amount of accumulation in a buffer for storing the media signal; sending a control signal from said receiver to the transmission path when the amount of accumulation in said buffer exceeds a predefined threshold or falls short of the threshold *(see column 9 lines 36-45, which recite a*

decoder buffer of the receiver that sends a bit occupation amount to the rate controller of the transmitter);

in a transmitter for transmitting a media signal to the transmission path, receiving the control signal sent from said receiver to the transmission path; retrieving the media signal from an accumulation unit which stores the media signal with changing a bit rate based on the control signal; and encoding the retrieved media signal for transmission from said transmitter to the transmission line *(see column 9 lines 36-41, which recite a rate controller used to control the encoder of a transmitter that receives a bit occupation amount from the decoder buffer)*.

For claim 27, Kato et al. disclose a transmission/reception method comprising the steps of: in a receiver for receiving a media signal through a transmission path, monitoring a receiving situation on the transmission path; sending a control signal from said receiver to the transmission path when the receiving situation changes to a predefined situation *(see column 9 lines 36-45, which recite a decoder buffer of the receiver that sends a bit occupation amount to the rate controller of the transmitter when decoding begins)*;

in a transmitter for transmitting a media signal to the transmission path, receiving the control signal sent from said receiver to the transmission path; retrieving the media signal from an accumulation unit which stores the media signal with changing a bit rate based on the control signal; and encoding the retrieved media signal for transmission from said transmitter to the transmission line *(see column 9 lines 36-41, which recite a rate controller used to control the encoder of a transmitter that receives a bit occupation amount from the decoder buffer)*.

For claim 28, Kato et al. disclose a transmission/reception method comprising the steps of: in a receiver for receiving a media signal through a transmission path, monitoring an amount

of accumulation in a buffer for storing the media signal; sending a control signal from said receiver to the transmission path when the amount of accumulation in said buffer exceeds a predefined threshold or falls short of the threshold *(see column 9 lines 36-45, which recite a decoder buffer of the receiver that sends a bit occupation amount to the rate controller of the transmitter)*;

in a transmitter for transmitting a media signal to the transmission path, receiving the control signal sent from said receiver to the transmission path; reading and delivering a media signal stored in an accumulation unit of said transmitter based on the control signal at time intervals different from time intervals at which the media signal is encoded *(see column 13 lines 3-23, which recite a delay between the encoding time and the bit stream output time)*; and encoding the delivered media signal for transmission from said transmitter to the transmission path *(see column 9 lines 36-41, which recite a rate controller used to control the encoder of a transmitter that receives a bit occupation amount from the decoder buffer)*.

For claim 29, Kato et al. disclose a transmission/reception method comprising the steps of: in a receiver for receiving a media signal through a transmission path, monitoring a receiving situation on the transmission path; sending a control signal from said receiver to the transmission path when the receiving situation changes to a predefined situation *(see column 9 lines 36-45, which recite a decoder buffer of the receiver that sends a bit occupation amount to the rate controller of the transmitter when decoding begins)*;

in a transmitter for transmitting a media signal to the transmission path, receiving the control signal sent from said receiver to the transmission path; reading and delivering a media signal stored in an accumulation unit of said transmitter based on the control signal at time

intervals, different from time intervals at which the media signal is encoded *(see column 13 lines 3-23, which recite a delay between the encoding time and the bit stream output time)*, from said accumulation unit; and encoding the delivered media signal for transmission from said transmitter to the transmission path *(see column 9 lines 36-41, which recite a rate controller used to control the encoder of a transmitter that receives a bit occupation amount from the decoder buffer)*.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 4 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al. (U.S. Patent 6,160,915) in view of Kuchibhotla et al. (U.S. Patent 6,993,342).

For claims 4 and 18, Kato et al. teach all the subject matter of the claimed invention of the claimed invention with the exception wherein the predefined situation is a radio handover.

Kuchibhotla et al. from the same or similar fields of endeavor teach a method for delivering the latest buffer occupancy during a soft hand-off in a wireless communication system *(see column 9 lines 58-67 and column 10 lines 1-23)*. Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the method for delivering the latest buffer occupancy during a soft hand-off situation as taught by Kuchibhotla et al. with the a transmission/reception method that transmits a control signal when a receiving situation changes to a predefined situation as taught by Kato et al. The method for delivering the latest buffer occupancy during a soft hand-off situation as taught by Kuchibhotla et al. with the a transmission/reception method that transmits a control signal when a receiving situation changes to a predefined situation as taught by Kato et al. by using the buffer occupancy information as the control signal for adjusting the transmission bit rate. The motivation for using the method for delivering the latest buffer occupancy during a soft hand-off situation as taught by Kuchibhotla et al. with the a transmission/reception method that transmits a control signal when a receiving situation changes to a predefined situation as taught by Kato et al. is to improve the efficiency of the wireless system by determining which potential base transceiver station base can provide the best service to a mobile station.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. *(See form PTO-892)*.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BEN H. LIU whose telephone number is (571)270-3118. The examiner can normally be reached on 9:00AM to 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on (571) 272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BL

/FIRMIN BACKER/
Supervisory Patent Examiner, Art Unit 2616